



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Square, Suite 100
Boston, MA 02109-3912**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

SEP 01 2011

Kevin McLaughlin, President
Fairhaven Shipyard Companies, Inc.
32 Water Street
Fairhaven, MA 02719-2866

Re: Clean Air Act Reporting Requirement

Dear Mr. McLaughlin:

The United States Environmental Protection Agency ("EPA") is evaluating whether the operations of Fairhaven Shipyard Company, Inc., at 32 Water Street in Fairhaven, Massachusetts ("Fairhaven Shipyard-Water Street") are in compliance with the Clean Air Act ("CAA" or "Act") and requirements promulgated under the Act, including but not limited to the Massachusetts State Implementation Plan ("SIP"), which includes federally-approved portions of Massachusetts' Air Pollution Control Regulations promulgated at 310 CMR 7.00; the federal National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) (the "Shipbuilding NESHAP") promulgated at 40 C.F.R. Part 63, Subpart II; and the federal National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing (the "Boat Manufacturing NESHAP") promulgated at 40 C.F.R. Part 63, Subpart VVVV.

Section 114(a)(1) of the Act, 42 U.S.C. Section 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations, including the Massachusetts SIP, the Shipbuilding NESHAP, and the Boat Manufacturing NESHAP.

This Reporting Requirement requires Fairhaven Shipyard-Water Street to provide the information listed in each numbered paragraph below within sixty (60) days of receipt of this letter. If Fairhaven Shipyard-Water Street does not possess some or all of the records or documents that respond to a specific request below, Fairhaven Shipyard-Water Street shall state in writing that the records or documents do not exist, and explain why.

1. Provide the following information about Fairhaven Shipyard-Water Street:
 - a. Describe the ownership and business structure;
 - b. Indicate the date and state of incorporation;
 - c. List any partners or corporate officers;
 - d. List any parent, divisions and subsidiary corporations and any related business entities; and
 - e. Provide the net worth of the Fairhaven Shipyard-Water Street (if not available, provide gross annual receipts from 2008-10).
2. Provide the following information for the facility at 32 Water Street, Fairhaven, Massachusetts (hereafter referred to as the " Facility"):
 - a. The physical address for the Facility;
 - b. The date that the Facility began operations;
 - c. The name and phone number of the plant manager at the Facility;
 - d. The number of employees at the Facility;
 - e. The size in acres of the property for the Facility;
 - f. The frontage in feet for the property at the Facility to a navigable waterway; and
 - g. The name, address, and the date that operations began for any other facilities owned and/or operated by any of the corporate entities identified in 1.d above.
3. Did Fairhaven Shipyard-Water Street purchase or acquire its business, equipment, or operations from another company that previously conducted similar work at the Facility? If so,
 - a. Provide the name of the company, a description of that company's operations, the dates that the previous company operated at the Facility; and
 - b. Describe how Fairhaven Shipyard-Water Street came to acquire that company's business.
4. Provide the following information for the Facility:
 - a. A scaled diagram of the Facility showing all the major features, including but not limited to the buildings, water frontage, and launches;
 - b. A description of each building and structure by its purpose and use at the Facility, including but not limited to, any manufacturing areas, dry docks, spray booths, and painting areas at the Facility;
 - c. The size and weight capacity for any ship/barge/boat launches or lifts;
 - d. The date that actual construction began on each building or other structure at the Facility;
 - e. A description of the activities that are conducted within each building or other structure, including, but not limited to, vacuum molding and surface coating operations;
 - f. A description and the specific location of all activities, including but not limited to, surface coating operations, that are conducted outside of any building; and
 - g. A description of any heating, ventilation, air conditioning system, and any type of air pollution control system employed, e.g., particulate or overspray filters.

5. For each ship, barge, buoy, boat or other vessel (referred to below collectively as "Vessels") serviced, built, constructed, and/or repaired by Fairhaven Shipyard-Water Street at the Facility from August 2008 to the present, provide the following information:
- a. The name of the Vessel;
 - b. The type of Vessel (military, pleasure craft, commercial, etc.);
 - c. The primary material of the Vessel (wood, metal, fiberglass, etc.);
 - d. The basic dimensions of the Vessel (length, width, and depth in feet);
 - e. The approximate surface area of the hull and topside of the Vessel, if applicable (in square feet);
 - f. The year and month construction began and ended;
 - g. The type of work conducted on the Vessel (construction, repair, cleaning, etc.);
 - h. The type of coating, gel coat, or resin used on the Vessel, if applicable (see the categories specified in 40 C.F.R. Part 63, Subpart II, Table 2); and
 - i. The approximate Vessel surface area that was coated, if applicable.
- To provide your response, please use the attached blank spreadsheet labeled "Vessels" or an equivalent spreadsheet format.

6. For each coating, gel coat, or resin that Fairhaven Shipyard-Water Street has purchased for the Facility from August 2008 to the present, provide the following information:
- a. The name of the coating, gel coat, or resin;
 - b. The type of coating, gel coat, or resin, including but not limited to: paints, thinners, cleaners, latexes, solvents, acrylics, hardeners, sealing and release agents, and mold stripping agents (see the categories specified in 40 C.F.R. Part 63, Subpart II, Table 2, where applicable);
 - c. Indicate if the coating, gel coat, or resin contains: nickel, cadmium, lead, manganese, chrome, and/or methylene chloride;
 - d. The total volatile organic compound ("VOC") content of the coating, gel coat, or resin in pounds of VOC per gallon of coating, gel coat, or resin. The VOC content must come from the manufacturer. If the manufacturer provides a range, use the upper bound of the range;
 - e. The total hazardous air pollutant ("HAP") content of the coating, gel coat, or resin in pounds of HAP per gallon of coating, gel coat, or resin. The HAP content must come from the manufacturer. If the manufacturer provides a range, use the upper bound of the range;
 - f. The coating, gel coat, or resin density in pounds per gallon; and
 - g. The annual amount of coating, gel coat, or resin purchased each year from 2008 through 2010 (in gallons).

To provide your response, please use the attached blank spreadsheet labeled "Coatings - As Purchased" or an equivalent spreadsheet format.

7. For each coating, gel coat, or resin "as applied" at the Facility from August 2008 to the present, provide the following information:
- a. The name of each coating, gel coat, or resin, as applied;
 - b. Name of the Vessel that the coating, gel coat, or resin was applied to, if known;

- c. The as-applied VOC content of each coating, gel coat, or resin by taking into account any and all additives and thinners added to the as-purchased coating, gel coat, or resin;
 - d. The as-applied HAP content of each coating, gel coat, or resin by taking into account any and all additives and thinners added to the as-purchased coating, gel coat, or resin; and
 - e. The coating, gel coat, or resin density in pounds per gallon; and
 - f. The annual amount of each coating, gel coat, or resin, as applied (in gallons).
- To provide your response, please use the attached blank spreadsheet labeled "Coatings - As Applied" or an equivalent spreadsheet format.
- 8. Provide the amount of VOCs emitted annually from the Facility for each year from 2008 through 2010.
 - 9. Provide the amount of HAPs emitted annually from the Facility for each year from 2008 through 2010.
 - 10. Provide copies of all logs, invoices, purchase orders, or receipts relating to shipments of each coating, gel coat, or resin, including thinners and clean up solvents, used at the Facility from 2008 through 2010.
 - 11. Identify the highest or peak amount of VOCs emitted from the Facility from August 2008 to the present during any one day (in pounds) from:
 - a. The coating of wood substrates;
 - b. The coating of fiberglass substrates;
 - c. The coating of metal substrates; and
 - d. All coating at the Facility.
 - 12. For the Facility, from August 2008 to the present, estimate the maximum hours per day, days per week, and weeks per year Fairhaven Shipyard-Water Street painted and coated hulls, decks, and components of Vessels and other items. In addition:
 - a. Explain the reasons for the current painting schedule; and
 - b. Explain any reasons that would prevent Fairhaven Shipyard-Water Street from painting 24 hours/day, 7 days/week, 52 weeks/year
 - 13. Describe the methods by which coatings, gel coats, or resins are applied at the Facility, including the methods that each paint and other coating, gel coat, or resin is applied (e.g., brush, roller, spray gun) by type of part and product produced. For each method, also provide an explanation as to why different methods are used in different circumstances
 - 14. List the spray guns at the Facility. For each individual gun, provide the following information:
 - a. The manufacturer;
 - b. The model number;
 - c. The nozzles used;

- d. The actual operating pressure range by nozzle used (in pounds per square inch);
- e. The maximum flow rate (in gallons per hour); and
- f. The month and year of acquisition or purchase.

To provide your response, please use the attached blank spreadsheet labeled "Spray Guns" or an equivalent spreadsheet format.

15. For each temporary or permanent spray booth at the Facility from August 2008 to the present, provide the following information:

- a. The name/identifier and location of the spray booth;
- b. The date that actual construction began on the spray booth;
- c. The date that actual construction was completed on the spray booth;
- d. The date that any surface coating operations began in the spray booth;
- e. A description of any air pollution control equipment ;
- f. A description of any best management practices utilized to limit air pollution from the spray booth; and
- g. Any and all documents related to the purchase and/or construction of the spray booth, including, but not limited to, contracts, invoices, and purchase orders.

To provide your response, please use the attached blank spreadsheet labeled "Spray Booths" or an equivalent spreadsheet format.

16. Describe, if applicable, any and all grinding and sandblasting activities at the Facility.

- a. Include in the description the locations of such activities, and any measures Fairhaven Shipyard-Water Street takes to minimize or control the emissions of particulates or other pollutants to the ambient air from such activities; and
- b. Include the type of equipment used to grind or sandblast, including the grit size and capacity of the equipment (e.g., pounds per hour).

17. Provide copies of all correspondence Fairhaven Shipyard-Water Street has had with state and/or federal environmental agencies from August 2008 to the present regarding emissions of air pollution at the Facility, including, but not limited to, air permit applications, air permits issued, and requests for air permit modifications. Also provide copies of any such air-related correspondence (in Fairhaven Shipyard-Water Street's possession) between any prior owner of the Facility and state and/or federal environmental agencies from 1998 to August 2008.

Submissions required by this letter shall be mailed to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Attn: Thomas McCusker (OES 04-2)

Be aware that if Fairhaven Shipyard-Water Street does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Fairhaven Shipyard-Water Street may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to Fairhaven Shipyard-Water Street.

If you have any questions regarding this Reporting Requirement, please contact Thomas McCusker, Environmental Engineer, at (617) 918-1862, or have your attorney call Steven Viggiani, Senior Enforcement Counsel, at (617) 918-1729.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

cc: Gregg Hunt, MassDEP, SERO

Attachments

Vessels

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Spray Booths

[illegible]